

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

OSWALDO CRUZ,
MARY MARTHA LITTLEJOHN , and
ROBERT GREG WINN, on behalf of
themselves and a class of those similarly
situated,

Plaintiffs

v.

LAWSON SOFTWARE, INC.,
LAWSON SOFTWARE AMERICAS,
INC.,

Defendants.

Case No. 08-CIV-4704
The Hon. Sidney H. Stein

**PROPOSED DISCOVERY AND
MOTION SCHEDULE**

In accordance with Federal Rule of Civil Procedure 26(f), the parties met and conferred concerning the discovery schedule. The parties were unable to reach agreement on discovery deadlines or limitations, and thus submit the following two proposals.

Plaintiffs' Proposal:

1. The parties will complete initial disclosures by August 15, 2008.
2. Discovery will open after initial disclosures are made on August 15, 2008, and all non-expert discovery (both class and merits-related) will be completed by July 31, 2009.
3. The limitations on discovery requests as set forth in the Federal Rules shall apply, so that neither side may issue more than 25 interrogatories, nor take more than 10 depositions.
4. Plaintiffs will file their motion for notice to be issued on their FLSA claims by September 2, 2008.
5. Plaintiffs will file their motion for class certification of their state law and ERISA claims by February 13, 2009; Defendant's opposition will be filed by March 13, 2009, and Plaintiffs' reply will be filed by March 27, 2009.

6. Plaintiffs' initial expert reports, if any, will be served 30 days after the close of non-expert discovery. Defendant's rebuttal expert reports, and any initial reports of experts will be served 30 days after Plaintiffs' initial reports. Rebuttal expert reports may be served by Plaintiffs 30 days after receipt of Defendant's reports. Depositions of experts must be completed by 30 days after the last report is served.
7. Dispositive motions shall be filed no later than 30 days after the close of expert discovery.

Defendants' Proposal:

As a threshold matter, Defendants bring to the Court's attention that its motion to dismiss Counts III, IV and V of Plaintiffs' Complaint is pending.

I. Class Certification Discovery

	<u>Event</u>	<u>Completed by or Number</u>
1.	Automatic/Mandatory Disclosure	9-19-08
2.	Maximum Number of Interrogatories, absent further stipulation or Court approval	25
3.	Interrogatories served by	10-31-08
4.	Anticipated number of fact witness depositions (Party and Non-party): Plaintiff Defendant	unknown 50 (limited to 3 and ½ hours per deposition)
5.	Completion of fact witness depositions	2-6-09
6.	Plaintiff's motion for certification	2-13-09
7.	Defendants' opposition to certification motion	3-13-09
8.	Plaintiff's reply (and oral argument if the Court requires same.)	3-27-09

II. Merits Discovery

1.	Amended Mandatory Disclosure	30 days after
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	(if necessary)	Certification decision
2.	Maximum Number each of Interrogatories, absent further stipulation or Court approval	50
3.	Interrogatories served by	45 days after Certification decision
4.	Anticipated number of fact witness depositions (Party and Non-party): Plaintiff Defendant	unknown 40 (limited to 3 and ½ hours per deposition; except for the named Plaintiffs and expert witnesses)
5.	Completion of fact witness depositions	180 days after Certification decision
6.	Completion of expert discovery by	240 days after Certification decision
	a. Plaintiffs to designate any experts and identify the subject matter to which they are expected to testify	160 days after Certification decision
	b. Plaintiffs to serve expert reports, in compliance with Fed.R.Civ.P. 26(a)(2)(A)-(B).	180 days after Certification decision
	c. Defendants to designate any experts and identify the subject matter to which they are expected to testify	170 days after Certification decision
	d. Defendants to serve expert reports, in compliance with Fed.R.Civ.P. 26(a)(2)(A)-(B).	190 days after Certification decision
7.	Completion of expert depositions	240 days after Certification decision
8.	Completion of all Discovery	240 days after Certification decision
9.	Service of Dispositive Motions (or request for leave to file same)	300 days after Certification decision
10.	Filing of Pre-Trial Order	If a dispositive motion is filed, 30 days after decision on dispositive motion(s); If no dispositive motion, 300 days after Certification

		decision
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Dated: July 22, 2008

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ATTORNEYS FOR DEFENDANTS

Dated: _____

New York, New York

So Ordered:

United States District Judge